



**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

AF/GAY 1634  
#34  
B. Denny  
10/31/98

Applicant: Christine L. Brakel, et al )  
Serial No.: 08/479,999 )  
Filed: June 28, 1994 )  
Title: "Modified Nucleotide )  
Compound" )

Group Art Unit: 1634  
Examiner: Ardin Marshel, Ph.D

Enzo Biochem, Inc.  
527 Madison Avenue, 9<sup>th</sup> Floor  
New York, New York 10022

September 30, 1998

**FILED BY EXPRESS MAIL**

Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**NOTICE OF APPEAL**

Sir:

Applicants are filing concurrently herewith a Submission Under C.F.R. § 1.129(a) in the

above-identified application requesting withdrawal of the Final Office Action dated March 31,

10/02/1998 SLUWMS 00000162 051135 08479999

01 FC:219  
02 FC:246  
03 FC:217

1998 In the event that entry of this Submission is, for any reason, denied and the finality of the  
March 31, 1998 Office Action is maintained, then Applicants by their attorneys hereby appeal to

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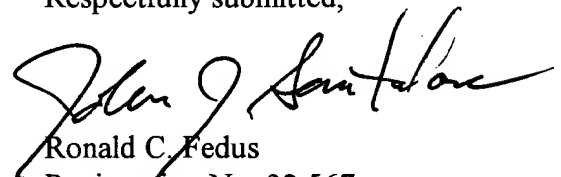
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Page 2 (Notice of Appeal)

the Board of Patents and Interferences from the decision of the Examiner in the Office Action dated March 31, 1998 finally rejecting claims 1 through 51 inclusive of this application.

Pursuant to a petition for an extension of time included as part of the Applicants' Submission Under C.F.R. § 1.129(a) filed concurrently with this Notice, the time for a response to the Office Action has been set for September 30, 1998 and this Notice is timely filed.

The assignee of the subject application has previously qualified for a small entity status. Pursuant to 37 C.F.R § 1.17(e), the official fee for as notice of appeal in an application to which a small-entity status applies is \$155.00. Authorization is hereby given to charge this fee to Applicant's Deposit Account No. 05-1135. If any other fees are deemed necessary in connection with this Notice, authorization is hereby given to charge their Amount to Deposit Account No. 05-1135, and to credit any overpayment thereto.

Respectfully submitted,



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